

00-1076 S.C. v. Jordan School District Issued: 1-31-02

S. C. asks the Utah Labor Commission to review the Administrative Law Judge's summary dismissal of Ms. C.'s claim for benefits under the Utah Workers' Compensation Act ("the Act"; Title 34A, Chapter 2, Utah Code Ann.).

The Labor Commission exercises jurisdiction over this motion for review pursuant to Utah Code Ann. §63-46b-12, Utah Code Ann. §34A-2-801(3) and Utah Admin. Code R602-2-1.M.

BACKGROUND AND ISSUE PRESENTED

Ms. C. filed an Application for Hearing seeking workers' compensation benefits for chronic asthma allegedly caused by exposure to chemical fumes while employed at Jordan School District during the summer of 1998. The ALJ summarily dismissed Ms. C.'s Application on the grounds Ms. C. had not submitted evidence of a medical causal connection between her exposure to chemical fumes and her asthma.

Ms. C.'s motion for review to the Labor Commission contends, among other arguments, that summary dismissal of her claim is improper in light of the opinion of some physicians that her chemical exposure permanently exacerbated her preexisting asthma.

DISCUSSION AND CONCLUSION OF LAW

As noted by the ALJ, the Utah Administrative Procedures Act authorizes summary judgment in workers' compensation claims according to the standards established by Rule 56 of the Utah Rules of Civil Procedure. Rule 56 provides that summary judgment is appropriate if the record shows "there is no genuine issue as to any material fact and the moving party is entitled to a judgment as a matter of law." In judging whether a genuine issue of material fact exists, the record must be viewed in the light most favorable to the party against whom summary judgment is sought.

Regarding the question of whether Ms. C.'s work exposure to chemical fumes caused a permanent exacerbation of her asthma, the Commission notes Dr. Robinson's responses to questions asked in the Summary of Medical Record form. For example, question 11 asks whether Ms. C.'s alleged industrial injury aggravated her pre-existing condition. Dr. Robinson responded: "Atopic history with severe and permanent ongoing problems after 9/98 exposure." Dr. Robinson's other answers can be fairly read as stating a medical opinion that Ms. C. suffered an approximate 88% whole person impairment from the work-related exacerbation of her chronic asthma.

While Dr. Robinson's report is somewhat ambiguous, for purposes of summary judgment it must be viewed in the light most favorable to Ms. C.'s claim. The Commission concludes that the report is sufficient to raise a genuine issue on the question of medical causation, thereby precluding summary judgment on that issue.

ORDER

The Commission sets aside the summary judgment against Ms. C. and remands this matter to the ALJ for further proceedings consistent with this decision as necessary to complete the adjudication of Ms. C.'s claim. It is so ordered.

Dated this 31st day of January, 2002.

R. Lee Ellertson, Commissioner